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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D-2004-63868

LEE ROBERT SKOGAN, P.T.
453 Camino Hermoso
San Marcos, CA 92078
Physical Therapist License No. PT 28098

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about February 14, 2003, the Physical Therapy Board of California issued Physical Therapist License No. PT 28098 to LEE ROBERT SKOGAN, P.T. (Respondent). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2006, unless renewed.

JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2609 of the Code states:

2 “The board shall issue, suspend, and revoke licenses and approvals
3 to practice physical therapy as provided in this chapter.”

4 5. Section 2660 of the Code states, in pertinent part:

5 “The board may, after the conduct of appropriate proceedings
6 under the Administrative Procedure Act, suspend for not more than 12 months, or
7 revoke, or impose probationary conditions upon any license, certificate, or
8 approval issued under this chapter for unprofessional conduct that includes, but is
9 not limited to, one or any combination of the following causes:

10 “ . . .

11 “(i) Conviction of a violation of any of the provisions of this
12 chapter or of the State Medical Practice Act, or violating, or attempting to violate,
13 directly or indirectly, or assisting in or abetting the violating of, or conspiring to
14 violate any provision or term of this chapter or of the State Medical Practice Act.

15 “ . . . ”

16 6. Section 2305 of the Code states:

17 “The revocation, suspension, or other discipline, restriction, or limitation
18 imposed by another state upon a license or certificate to practice medicine issued
19 by that state, or the revocation, suspension, or restriction of the authority to
20 practice medicine by any agency of the federal government, that would have been
21 grounds for discipline in California of a licensee under this chapter, shall
22 constitute grounds for disciplinary action for unprofessional conduct against the
23 licensee in this state.”

24 7. California Code of Regulations, title 16, section 1399.20, states, in
25 pertinent part:

26 “For the purposes of denial, suspension or revocation of a license, pursuant
27 to Division 1.5 (commencing with Section 475) of the code, a crime or act shall
28 be considered to be substantially related to the qualifications, functions or duties

1 of a person holding a license under the Physical Therapy Practice Act if to a
2 substantial degree it evidences present or potential unfitness of a person to
3 perform the functions authorized by the license or approval in a manner consistent
4 with the public health, safety or welfare. Such crimes or acts shall include but not
5 be limited to the following:

6 “(a) Violating or attempting to violate, directly or indirectly, or assisting in
7 or abetting the violation of, or conspiring to violate any provision or term of the
8 Physical Therapy Practice Act.

9 “. . .

10 “(c) Violating or attempting to violate any provision or term of the
11 Medical Practice Act.”

12 COST RECOVERY

13 8. Section 2661.5 of the Code states, in pertinent part:

14 “(a) In any order issued in resolution of a disciplinary proceeding before
15 the board, the board may request the administrative law judge to direct any
16 licensee found guilty of unprofessional conduct to pay to the board a sum not to
17 exceed the actual and reasonable costs of the investigation and prosecution of the
18 case....”

19 CAUSE FOR DISCIPLINE

20 (Discipline by Another State Agency)

21 9. Respondent is subject to disciplinary action under Code sections 2660(i)
22 and 2305, in that he was disciplined by another state agency. The circumstances are as follows:

23 A. On or about October 29, 2003, the Commonwealth of
24 Massachusetts, Suffolk County, Massachusetts Board of Registration of Allied
25 Health Professions (“Massachusetts Board”) filed an Order to Show Cause,
26 Docket Nos. AH-01-005; AH-01-006; and AH-02-022, ordering Respondent to
27 appear and show cause why the Board of Allied Health Professionals should not
28 suspend, revoke or otherwise take action against his license to practice as a

1 licensed physical therapy assistant in the Commonwealth of Massachusetts under
2 License No. 4208.

3 B. On or about March 29, 2004, Respondent entered into an
4 agreement with the Commonwealth of Massachusetts to surrender his License No.
5 4208 to practice as a physical therapy assistant in the State of Massachusetts. The
6 surrender was entered into in resolution of the allegations brought against him in
7 the Order to Show Cause. The Massachusetts Board and the Respondent
8 acknowledged that, if proven, the allegations in the Order to Show Cause would
9 be sufficient to warrant a finding that Respondent violated the Massachusetts
10 Board regulations¹ during a period in which Respondent was employed and
11 licensed as a physical therapist assistant in Massachusetts.

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14 1. Regulations alleged in Order to Show Case as having been violated by Respondent:

15 A. 259 CMR 5.02(2)(a),(c),(h) - interpreting information concerning individual under his
16 care, developing and adjusting patients' treatment plans, including long and short term goals, without
the supervision of a physical therapist.

17 B. 259 CMR 5.02(4)(a),(b),(c) - initiating or altering a treatment program without prior
18 evaluation by and approval by the supervising physical therapist, adjusting a specific treatment
19 procedure in accordance with patient changes, and interpreting data beyond the scope of your physical
therapist assistant education.

20 C. 259 CMR 5.05(1), pursuant to the Code of Ethics, Guide for Professional Conduct and
21 Standards of Physical Therapy Services and Physical Therapy Practitioners of the American Physical
22 Therapy Association (APTA), Standard 3.1, subsections (a) for providing selected physical therapy
23 interventions while not working under the supervision and direction of a physical therapist; (b) for
24 providing therapy interventions that have not been selected by a physical therapist; (c) for carrying out
25 selected physical therapy interventions that are outside the scope of your education, training,
26 experience, or skill without notifying a physical therapist; (d) for adjusting specific interventions in
response to changes in the patient's/client's status without the prior approval of a physical therapist; (e)
for performing examinations or evaluations, interpreting data, determining diagnosis or prognosis, or
establishing or altering a plan of care; (f) for responding to the patient's/client's inquiries regarding
interventions that are within the established plan of care inconsistent with your education, training,
knowledge and experience; and (g) for not having regular and ongoing communication with a physical
therapist regarding the patient's/client's status.

27 D. 259 CMR 5.05(a), pursuant to the Code of Ethics, Guide for Professional Conduct and
28 Standards of Physical Therapy Services and Physical Therapy Practitioners of the (APTA), Standard
4.1, for providing services without the supervision and direction of a physical therapist.

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1. Revoking or suspending Physical Therapist License No.
PT 28098, issued to LEE ROBERT SKOGAN, P.T..

3. Taking such other and further action as deemed necessary and proper.

Original Signed By:
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

Skogan Accusation.wpd